

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15205 of 2025

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Anita Prasad Wife of Late Yogeshwar Prasad Ambashtha R/o Mohan Nagar,
Renter of Guriya Singh, P.S.-Rampur, Distt.- Gaya, Present Address- Village
and P.O. and P.S.- Asthana, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Director, Consolidation, Bihar, Patna.
3. The Joint Director, Consolidation, Bihar, Patna.
4. The Deputy Director, Consolidation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-11-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has preferred this application for the
following relief(s):

*“(I) To quash the Order contained in Memo
No. 765 dated 11.08.2015 of the Directorate of
Consolidation, Bihar, Patna by which the Petitioner
has been awarded major punishment of dismissal from
service under Rules 14, 17 & 18 of the Bihar
Government Servants (Classification, Control &
Appeal) Rules, 2005.*

*(II) To hold and declare that the entire
departmental proceeding against the Petitioner vitiated
in the eye of law on account of having held the charges
proved against the Petitioner on the basis of FIR of*



Vigilance P.S. Case No. 32 of 2014 dated 25.04.2014, Pre-Trap Memorandum and Post-Trap Memorandum without contents of them being proved during departmental enquiry by examination and cross-examination of witnesses and also that the prescribed procedures of law and principles of Natural Justice have not been followed in punishing the Petitioner.

(III) For issuance of any other writ/order/direction to which the Petitioner is found entitled to in the eye of law.”

3. At the outset, learned counsel for the respondents submits that the petitioner having an alternate and efficacious remedy of preferring an appeal under Rule 24 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, the writ application is not maintainable.

4. In view of the above, learned counsel for the petitioner seeks permission to withdraw this application to prefer an appeal as per the Rules of 2005. It is further prayed that a direction be passed for the appeal to be decided within a reasonable time.

5. Having heard learned counsel for the parties, the writ application stands disposed of as withdrawn with liberty to the petitioner to prefer an appeal under the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

6. It is made clear that the Court has not gone into the merits of the case of the petitioner.



7. In case the appeal is preferred within a period of two months, the same shall be decided by the authority concerned in accordance with law within a period of three months from the date of its filing.

(Partha Sarthy, J)

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